

APPEAL NO. 180069  
FILED FEBRUARY 15, 2018

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 27, 2017, in (city) Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 12th quarter. The claimant appealed, disputing the ALJ's determination of SIBs non-entitlement. The respondent (self-insured) responded, urging affirmance of the disputed 12th quarter SIBs determination.

DECISION

Affirmed as reformed.

The parties stipulated, in part, that: the claimant had a 15% or greater impairment rating for the compensable injury; (Dr. S) was properly appointed as the designated doctor to address return to work for the purpose of SIBs; the dates of the 12th quarter of SIBs began on June 30 through September 28, 2017; the dates of the qualifying period for the 12th quarter ran from March 18 through June 16, 2017; and during the qualifying period of the 12th quarter, the number of weekly job searches required by the Texas Workforce Commission for the claimant's county of residence, County, is five. The evidence reflects that the claimant was injured when she slipped and fell while at work.

The ALJ is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence. *Texas Employers Insurance Association v. Campos*, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appellate reviewing tribunal, the Appeals Panel will not disturb challenged factual findings of an ALJ absent legal error, unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. *Cain v. Bain*, 709 S.W.2d 175, 176 (Tex. 1986); *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951). The ALJ's determination that the claimant is not entitled to SIBs for the 12th quarter is supported by sufficient evidence and is affirmed.

A written decision is issued in this case to correct Finding of Fact No. 1.C. The parties stipulated on the record that on (date of injury), the claimant sustained a compensable injury, which includes cervical strain, lumbar strain, right hip strain, left thumb strain, right knee strain, and right shoulder strain with partial thickness rotator cuff tear. The ALJ inadvertently omitted the conditions of right hip strain, left thumb

strain, and right shoulder strain from Finding of Fact No. 1.C. Accordingly, we reform Finding of Fact No. 1.C. to conform to the actual stipulation made by the parties.

### **SUMMARY**

We affirm the ALJ's determination that the claimant is not entitled to SIBs for the 12th quarter.

We reform Finding of Fact No. 1.C. to read as follows:

The parties stipulated that: [o]n (date of injury), the [c]laimant sustained a compensable injury, which includes cervical strain, lumbar strain, right hip strain, left thumb strain, right knee strain, and right shoulder strain with partial thickness rotator cuff tear.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**STEPHEN S. VOLLBRECHT, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**STEPHEN S. VOLLBRECHT, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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K. Eugene Kraft  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge